

## **REMARKS**

### **Status of the Claims**

Claims 1-10 are currently pending and under examination.

### **Claim for Foreign Priority**

Applicant attaches herewith a certified English translation of EP application no 02001519.4, filed January 22, 2002.

Accordingly, for the pending application, Applicant asserts a claim of foreign priority as of the earliest effective filing date of January 22, 2002, the filing date of EP application 02001519.4.

### **Claim Support in Priority Document EP 02001519.4**

Claims 1-10 find clear support in the specification of the priority document, EP 02001519.4, and, therefore, must enjoy the full benefit of the January 22, 2002 filing date. See certified English language translation of the specification.

More specifically:

In claim 1, support for the recitation **placing the biological sample on a two-dimensional support** is found at least on page 2 of the certified English language translation of the specification at lines 29-30; support for the recitation **applying protein-precipitating or denaturing first solution L1 to the biological sample at a first temperature T1 for a predetermined first time period Z1** is found at least on page 2 of the certified English language translation of the specification at lines 30-32; support for the recitation **c) performing one of the following steps: (i) leaving the protein-precipitating or denaturing solution L1 with the biological sample at a second temperature T2 for a predetermined second time period Z2, with T2 being lower than T1 and Z2 being longer, equal to or shorter than Z1; (ii) applying more protein-precipitating or denaturing solution L1 to the biological sample at a second temperature T2 for a**

predetermined second time period Z2, with T2 being lower than T1 and Z2 being longer, equal to or shorter than Z1; or (iii) applying a protein-precipitating or denaturing solution L2 to the biological sample at a second temperature T2 for a predetermined second time period Z2, with T2 being lower than T1 and Z2 being longer, equal to or shorter than Z1 and d) drying the sample is found in the certified English language translation of the specification at least on page 2 lines 32 through page 3 lines 1-3.

Support for Claim 2 is found in the certified English language translation of the specification at least on page 3 lines 14-16.

Support for Claim 3 is found in the certified English language translation of the specification at least on page 3 lines 18-19.

Support for Claim 4 is found in the certified English language translation of the specification at least on page 3 line 22.

Support for Claim 5 is found in the certified English language translation of the specification at least on page 3 lines 24-26

Support for Claim 6 is found in the certified English language translation of the specification at least on page 3 lines 28-31.

Support for Claim 7 is found in the certified English language translation of the specification at least on page 3 line 32.

Support for Claim 8 is found in the certified English language translation of the specification at least on page 3 line 33 through page 4 line 2.

Support for Claim 9 is found in the certified English language translation of the specification at least on page 4 lines 2-3.

Support for Claim 10 is found in the certified English language translation of the specification at least on page 4 lines 5-8.

**Rejections Under 35 U.S.C. § 102(e)**

Claims 1, 3, and 5-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0175827 A1 to Stillman et al. (“*Stillman*”). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As indicated on the face of Publication Number 2003/0175827 A1, *Stillman* was filed on March 14, 2002, under U.S. Patent Application Serial Number 10/098,768. The filing date of *Stillman* – March 14, 2002 – is **after** the priority date of January 22, 2002, of the pending application. Hence, in accordance with 35 U.S.C. § 102(e), *Stillman* may not be used as a “prior art” reference against the claimed invention. Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3, and 5-10 under 35 U.S.C. § 102(e) as being anticipated by *Stillman* be withdrawn.

**Rejections Under 35 U.S.C. § 103(a)**

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Stillman*. In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is **after** the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. Accordingly, Applicant respectfully requests that the rejection of Claim 2 under 35 U.S.C. § 103(a) in view of *Stillman* be withdrawn.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stillman* in view of U.S. Patent No. 5,079,157 to Furuoya et al. (“*Furuoya*”). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is after the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. As implied by the PTO, *Furuoya* alone fails to teach or suggest each and every element of Claim 4. Accordingly, Applicant respectfully requests that the rejection of Claim 4 under 35 U.S.C. § 103(a) in view of *Stillman* and *Furuoya* be withdrawn.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stillman* in view of U.S. Patent No. 4,629,785 to McCaffery (“*McCaffery*”). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is after the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. As implied by the PTO, *McCaffery* alone fails to teach or suggest each and every element of Claim 8. Accordingly, Applicant respectfully requests that the rejection of Claim 8 under 35 U.S.C. § 103(a) in view of *Stillman* and *McCaffery* be withdrawn.

### CONCLUSION

In view of the above remarks, Applicant respectfully asserts that the rejections set forth in the Final Office Action have been fully addressed and overcome. Hence, Applicant asserts that all Claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 962-7523 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Applicant recognizes that this document is presented after Final Action, and Applicant appreciates the discretionary nature of any allowance. However, Applicant courteously requests that the Examiner look favorably on this submission and the overwhelming weight of the allowability of the pending claims. Applicant believes the filing of an RCE to consider this submission would be an unnecessary taxing of resources of the Patent Examiner and the Applicant.

Respectfully submitted,



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